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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,886	10/15/2003	Christopher A. Rygaard	18511-011001	7560
26181	7590	11/17/2008		
FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER MORAN, RANDAL D	
			ART UNIT 2435	PAPER NUMBER
			NOTIFICATION DATE 11/17/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/686,886	<b>Applicant(s)</b> RYGAARD, CHRISTOPHER A.	
	<b>Examiner</b> RANDAL D. MORAN	<b>Art Unit</b> 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 1-25 are pending in the application.

Below, Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully each reference in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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1. **Claim 24** is rejected under 35 U.S.C. 102(e) as being anticipated by **Freeman (US 6,330,588)**, hereafter “Freeman”.

Considering **Claim 24**, Freeman discloses a computer-implemented method comprising: receiving a jumping application at a server (column 6- lines 45-59) determining whether the first host is an untrusted host; when the first host is an untrusted host, determining whether the jumping application includes code that implements a particular behavior and when the jumping application includes the code, replacing the code in the jumping application that implements a particular behavior with a piece of code that implements the particular behavior in the jumping application so that the jumping application has the particular behavior when it is executed by the second host (column 14- lines 7-18); and forwarding the jumping application to the second host (column 6- lines 45-59).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-23 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jansen et al. (NIST Special Publication 800-19 – Mobile Agent Security)**,

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hereafter “Jansen” in view of **Walsh (US 6,233,601)**, hereafter “Walsh”, in further view of **Freeman**.

Jansen and Walsh were provided by the applicant in IDS papers filed on 2/14/2005 and 3/1/2004, respectively.

Considering **Claims 1, 5, 9, 14, 20, and 25**, Jansen discloses a computer implemented jumping application security console (p. 9- lines 34-39, p. 14- lines 2-7, reference monitor) that maintains the security of a jumping application that is jumping between one or more hosts connected to the security console (Fig. 1, p. 14- lines 2-25), the security console comprising: a security module that controls the security of a jumping application (p. 14- lines 2-25).

Jansen does not disclose a database that contains one or more pieces of code and a description of each piece of code, wherein each piece of code implements a particular behavior; and wherein the security module further comprises instructions that replace code from the jumping application that implements a first behavior with a piece of code from the database into the jumping application that implements the first behavior.

Walsh does disclose a database that contains one or more pieces of code and a description of each piece of code (column 2, lines 23-25, column 4, lines 25-28 and 37-38), wherein each piece of code implements a particular behavior (column 4, lines 64-67, column 5, lines 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jansen by a database containing one or more pieces of code and a description of each piece of code, wherein

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each piece of code implements a particular behavior for the benefit of improved agent operation and to reduce the network overhead (Walsh- column 2, lines 31-32).

The combination of Jansen and Walsh does not explicitly disclose the security module further comprises instructions that replace code from the jumping application that implements a first behavior with a piece of code from the database into the jumping application that implements the first behavior.

Freeman does explicitly disclose a database that contains one or more pieces of code and a description of each piece of code (column 2- lines 30-46, column 8- lines 38-39 and 58-67, column 14- lines 45-57, Fig. 2- item 204) the security module further comprises instructions that replace code from the jumping application that implements a first behavior with a piece of code from the database into the jumping application that implements the first behavior during each jump between hosts (column 13- lines 35-50, column 14- lines 7-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Jansen and Walsh by replacing code from the jumping application that implements a first behavior with a piece of code from the database into the jumping application that implements the first behavior for the benefit of enabling the trusted resource to operate substantially protected from corruption (Freeman- column 14- lines 7-9)

Considering **Claims 2, 6, 10, 15, and 21**, the combination of Jansen, Walsh, and Freeman discloses the instructions that replace code further comprises instructions that remove any existing code in the jumping application and then instructions that

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insert the piece of code that implements the particular behavior into the jumping application (Walsh- column 4, lines 37-38, column 8, lines 32-36).

Considering **Claims 3, 7, and 16**, the combination of Jansen, Walsh, and Freeman discloses the security module further comprises instructions for receiving a request for a piece of code, by a host, that implements a particular behavior for a jumping application (Walsh- column 4, lines 30-35, Freeman- column 7- lines 50-55).

Considering **Claims 4, 8, 13, 19, and 23**, the combination of Jansen, Walsh, and Freeman discloses instructions that store a list of the code removed from the jumping application (Jansen- p. 15 lines 15-21, Freeman- column 12- lines 18-35), the instructions to replace the code further comprises instructions that remove the code from the jumping application (Freeman- column 14- lines 7-18, Walsh- column 4, lines 30-35), and instructions that insert the piece of code into the jumping application based on the list of code removed from the jumping application (Freeman- column 14- lines 45-67, Walsh- column 4, lines 37-38, column 8, lines 32-36).

Considering **Claims 11 and 17**, the combination of Jansen, Walsh, and Freeman discloses the request further comprises generating a query, by a host to a security console, of the pieces of code contained in a database of the security console and selecting, by the host, the piece of code to be replaced in the jumping application (Walsh- column 6, lines 49-52, column 5- lines 49-57).

Considering **Claims 12, 18, and 22** the combination of Jansen, Walsh, and Freeman discloses the replacing the code further comprises downloading the piece of code to the host in response to the selection of the piece of code by the host and

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inserting the piece of code, by the host, into the jumping application to implement the particular behavior (Walsh- column 6, lines 6-17 and 49-62).

### ***Response to Arguments***

Applicant's arguments filed 8/24/2007 have been fully considered but they are not persuasive.

Regarding **Claim 24**, applicants' arguments have been fully considered but they are not persuasive. With respect to applicants argument that Freeman fails to disclose replacing code that implements a particular behavior with another piece of code that implements the same behavior. Applicant is directed to Freeman- column 14, lines 7-18. Freeman discloses typical corrective measures include repairing software, e.g., by reloading objects, by deleting extraneous code, by application of code comparison and correction algorithms or similar routines. Therefore, Freeman teaches determining whether the first host is an untrusted host (i.e. if the code is corrupted, the host would be considered an untrusted host), when the first host is an untrusted host, determining whether the jumping application includes code that implements a particular behavior and when then the jumping application includes the code, replacing the code that implements a particular behavior with another piece of code that implements the same behavior (i.e. determining the code that has been corrupted and replacing/reloading said code with trusted code). In reloading the objects, it is inherent that the teachings of Freeman would replace the corrupted code, with code that implements the same behavior of the code previous to corruption.



With respect to applicant's argument that Freeman fails to teach when the first host has been designated as an untrusted host. Applicant is directed to Freeman-column 14, lines 7-18. Freeman discloses "if any corruption is discovered, corrective measures can be invoked." Therefore, Freeman teaches when a first host has been designated as untrusted (i.e. if corruptions are found, the first host from which the mobile code is received is no longer trusted and corrective measures are taken to correct the code).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., A host can be designated as untrusted with or without having corrupted code within the application...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding **Claims 1, 5, 9, 14, and 20**, applicants arguments have been considered but they are not persuasive for the same reasons as stated above with respect to **Claim 24**. With respect to applicants' argument that Freeman fails to teach for each jump of the jumping application, Freeman discloses returning to the trusted resource after every jump (column 6- lines 45-59). While at the trusted resource, the code is checked for correction and corrupted code is replaced. Corrupted code would be indicative of an untrusted host.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randal D. Moran whose telephone number is 571-270-1255. The examiner can normally be reached on M-F: 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. D. M./  
Examiner, Art Unit 2135

11/08//2008

/KIMYEN VU/

Supervisory Patent Examiner, Art Unit 2435